

The Affordable Care Act, Section 6201

The Affordable Care Act¹ (ACA) Subtitle C, Section 6201, requires the Secretary of the U.S. Department of Health and Human Services (DHHS) to establish a nationwide program to identify efficient, effective, and economical procedures for long-term care facilities and providers to conduct nationwide background checks on prospective direct patient access employees². States and U.S. territories that meet the requirements as described in Section 6201 of the ACA, who application for program participation has been approved, are to receive federal matching funds for program implementation. Long-term care facilities/providers in participating states must obtain state and national background checks on prospective employees, including a check of state abuse and neglect registries, state criminal history records, and national fingerprint-based criminal history record checks.

¹ The Patient Protection and Affordable Care Act (Pub. L. 111-148, enacted March 23, 2010) and the Health Care Education Reconciliation Act of 2010 (Pub. L. 111-152, enacted March 30, 2010), together are known as the ACA.

² The term “direct patient access employee” means any individual who has access to a patient or resident of a long-term care facility or provider through employment or through a contract with such facility or provider and has duties that involve (or many involve) one-on-one contact with a patient or resident of the facility or provider, as determined by the State for purposes of the nationwide program.